

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-_____
v.	:	DATE FILED: _____
CARLETA CAROLINA WAYNE WHITE	:	VIOLATIONS:
	:	21 U.S.C. § 846 (conspiracy to distribute controlled substances - 2 counts)
	:	21 U.S.C. § 841 (distribution of controlled substances - 11 counts)
	:	18 U.S.C. § 1956 (conspiracy to commit international money laundering - 1 count)
	:	18 U.S.C. § 1956 (international money laundering - 8 counts)
	:	18 U.S.C. § 371 (conspiracy to introduce misbranded drugs into interstate commerce - 1 count)
	:	18 U.S.C. § 1341 (mail fraud - 11 counts)
	:	18 U.S.C. § 2 (aiding & abetting)
	:	21 U.S.C. § 853 (criminal forfeiture - drug offenses)
	:	18 U.S.C. § 982 (criminal forfeiture - money laundering)
	:	18 U.S.C. § 981 (criminal forfeiture - mail fraud)

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this superseding indictment:

1. Under the Controlled Substances Act (CSA), the United States Drug Enforcement Administration (DEA) regulates certain pharmaceutical drugs that are classified as controlled substances because of their potential for abuse or dependence, their accepted medical use, and their accepted safety for use under medical supervision. Controlled substances are classified in five schedules; Schedule I contains the most dangerous drugs that have the highest potential for

abuse or dependence, and Schedule V contains the least dangerous controlled substances.

2. Controlled substances can only be lawfully distributed to individuals with a valid prescription issued by a physician or other authorized health practitioner, except when dispensed directly to a patient by the practitioner (other than a pharmacist). 21 U.S.C. § 829(c).

3. No one can lawfully distribute or dispense a controlled substance without first obtaining a DEA registration. 21 U.S.C. § 822(a).

4. Title 21, United States Code, Section 821, provides that "[t]he Attorney General [of the United States] is authorized to promulgate rules and regulations . . . relating to the registration and control of the manufacture, distribution and dispensing of controlled substances." All functions vested in the Attorney General by the CSA have been delegated to the Administrator of the Drug Enforcement Administration (DEA). 28 C.F.R. § 0.100(b). The exercise of this rulemaking authority resulted in Section 1306.04 of Title 21 of the Code of Federal Regulations, which governs the issuance of prescriptions for controlled substances and states that every prescription for a controlled substance "must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription." A prescription not meeting this standard is invalid. Anyone who knowingly issues or fills an invalid prescription "shall be subject to the penalties provided for violations of the law relating to controlled substances." 21 C.F.R. § 1306.04.

5. A physician who prescribes a controlled substance for an individual based solely on that person's responses to a questionnaire which the individual filled out on the Internet, without ever having examined that individual, is acting outside the usual course of his or her

professional practice, and the prescription is not for a legitimate medical purpose and therefore invalid.

6. Phendimetrazine (Bontril, Didrex) and phentermine (Tenuate, Meridia, Adipex, Diethylpropion) are weight loss drugs that are indicated for short-term use and are classified as Schedule III and IV controlled substances, respectively.

7. From at least in or about April 2005, through in or about March 2009, in the Eastern District of Pennsylvania and elsewhere, defendants

**CARLETA CAROLINA and
WAYNE WHITE**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute Schedule III and IV controlled substances without valid prescriptions, that is, prescriptions that were issued outside of the usual course of professional practice, and were not for a legitimate medical purpose, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D) and (b)(2).

MANNER AND MEANS

It was a part of the conspiracy that:

8. Defendant CARLETA CAROLINA:

(a) owned, operated, and was affiliated with websites, including www.discreetonline meds.com, that sold controlled prescription drugs in Schedules III and IV, primarily weight-loss drugs, by means of the Internet, to customers who were only required to complete an online medical questionnaire and were not examined by a physician in connection with their orders.

(b) had employees and associates recruit and hire physicians in the

Eastern District of Pennsylvania and elsewhere in the United States to review the customers' online questionnaires and to issue prescriptions for controlled substances based solely upon the customers' responses;

(c) had employees and associates recruit and hire pharmacies in the Eastern District of Pennsylvania and elsewhere in the United States, including Superior Drugs, which was operated by defendant WAYNE WHITE, to fill these invalid prescriptions for controlled substances and to ship them to customers in the Eastern District of Pennsylvania and elsewhere in the United States; and

(d) paid the doctors and the pharmacies, including Superior Drugs, which was operated by defendant WAYNE WHITE, from accounts located outside of the United States and elsewhere.

9. Defendant WAYNE WHITE:

(a) was a pharmacist licensed in the State of Florida and the operator of Creative Pharmacy Services, doing business as Superior Drugs, located at 9920 NW 27th Avenue in Miami, Florida;

(b) filled invalid prescriptions for controlled substances which were based solely upon a physician's review of online questionnaires completed by the customers, for websites that were owned, operated, or affiliated with defendant CARLETA CAROLINA;

(c) received money orders that were sent to Superior Drugs by customers of CAROLINA's websites in payment for online orders of controlled substances and forwarded them to her; and

(d) shipped the controlled substances to customers in the Eastern

District of Pennsylvania and elsewhere in the United States.

All in violation of Title 21, United States Code, Section 846.

COUNTS TWO THROUGH SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6, 8, and 9 of Count One of this superseding indictment are incorporated here.

2. On or about the dates in the chart below, in the Eastern District of Pennsylvania and elsewhere, defendants

**CARLETA CAROLINA and
WAYNE WHITE**

knowingly and intentionally distributed, and aided and abetted the distribution of, the controlled substances listed below, each distribution constituting a separate count:

<i>Count</i>	<i>Date</i>	<i>Drug</i>	<i>Approximate Quantity</i>	<i>Schedule</i>	<i>Shipped to</i>
2	5/29/07	Phendimetrazine	90 (35mg)	Schedule III	Philadelphia, PA
3	6/28/07	Phendimetrazine	99 (35mg)	Schedule III	Philadelphia, PA
4	11/18/08	Phentermine	30 (37.5mg)	Schedule IV	Philadelphia, PA
5	1/16/09	Phentermine	33 (37.5mg)	Schedule IV	Philadelphia, PA
6	1/16/09	Phentermine	30 (37.5mg)	Schedule IV	Philadelphia, PA

All in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(D), (b)(2), and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6, 8 and 9 of Count One of this superseding indictment are incorporated here.

2. From at least in or about April 2005, through in or about March 2009, in the Eastern District of Pennsylvania and elsewhere, defendants

CARLETA CAROLINA and WAYNE WHITE

conspired and agreed, together and with others known and unknown to the grand jury, to transport, transmit, and transfer funds, to a place in the United States from and through a place outside the United States, with the intent of promoting the carrying on of a specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

MANNER AND MEANS

3. It was a part of the conspiracy that defendant CARLETA CAROLINA caused wire transfers to be made from financial institutions outside of the United States to the accounts of doctors and pharmacies, including Superior Drugs, which was operated by defendant WAYNE WHITE, at financial institutions in the United States, in payment for the doctors' review of customers' online questionnaires and the pharmacies' fee per prescription shipped, the cost of the drugs and shipping.

4. From in or about September 2005 through in or about November, 2007, defendant CARLETA CAROLINA caused wires totaling approximately \$4,844,569 to be sent to the account of Superior Drugs, which was operated by defendant WAYNE WHITE.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS EIGHT THROUGH FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 of Count One of this superseding indictment are incorporated here.

2. On or about the dates in the chart below, in the Eastern District of Pennsylvania and elsewhere, defendant

CARLETA CAROLINA

knowingly transported, transmitted, and transferred funds, and aided, abetted and willfully caused the transporting, transmitting, and transferring of funds, to a place in the United States, specifically Feasterville, Pennsylvania, and Media, Pennsylvania, from and through a place outside the United States, specifically St. Kitts, with the intent to promote the carrying on of specified unlawful activity, that is, the distribution of, and conspiracy to distribute, controlled substances, in violation of Title 21, United States Code, Sections 841(a) and 846:

<i>Count</i>	<i>Date</i>	<i>Amount</i>	<i>Financial Transaction</i>
8	4/14/05	\$14,932.50	Wire transfer from an account in St. Kitts to account xxxxxx8722 at Bank of America, Feasterville, PA
9	7/15/05	\$103,432.60	Wire transfer from an account in St. Kitts to account xxxxxx8722 at Bank of America, Feasterville, PA
10	8/5/05	\$126,898.00	Wire transfer from an account in St. Kitts to account xxxxxx8722 at Bank of America, Feasterville, PA
11	9/22/05	\$19,920.00	Wire transfer from an account in St. Kitts to account xxxxxx8722 at Bank of America, Feasterville, PA
12	4/19/07	\$8,079.65	Wire transfer from an account in St. Kitts to account xxxxxxxx7700 at Citizens Bank, Media, PA
13	4/26/07	\$8,079.60	Wire transfer from an account in St. Kitts to account xxxxxxxx7700 at Citizens Bank, Media, PA

14	5/23/07	\$7,171.00	Wire transfer from an account in St. Kitts to account xxxxxxxx7700 at Citizens Bank, Media, PA
15	5/31/07	\$2,590.00	Wire transfer from an account in St. Kitts to account xxxxxxxx7700 at Citizens Bank, Media, PA

All in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 of Count One of this superseding indictment are incorporated here.

2. Effective April 13, 2009, the Controlled Substances Act (CSA), 21 U.S.C. 801, et seq., was amended by the Ryan Haight Online Pharmacy Consumer Protection Act (Ryan Haight Act, Pub. L. No. 110-425). A valid prescription is defined as follows: "a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by (I) a practitioner who has conducted at least 1 in-person medical evaluation of the patient; or (ii) a covering practitioner." Section 829(e)(1) & (2)(A). The term "in-person medical evaluation" is defined as "a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals." 21 U.S.C. § 829(e)(2)(B)(I) & (ii). The term "covering practitioner" is defined as "a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who (i) has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous 24 months; and (ii) is temporarily unavailable to conduct the evaluation of the patient. 21 U.S.C. § 829(e)(2)(C)(i)&(ii). The Act specifically cautions that the fact that an in-person medical evaluation has been conducted does not demonstrate that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice. 21 U.S.C. § 829(e)(2)(B)(ii).

3. One of the amendments to the CSA made by the Ryan Haight Act is that, as of April 13, 2009, no person may operate as an online pharmacy unless such person is a

DEA-registered pharmacy that has obtained from DEA a modification of its registration authorizing it to operate as an online pharmacy. 21 U.S.C. §§ 841(h)(1), (h)(2)(A); 802 (51) & (52)(A). Under the CSA, as amended by the Ryan Haight Act, the term "online pharmacy" is defined as follows: " a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet." 21 U.S.C. 802(52)(A). Defendants CARLETA CAROLINA and WAYNE WHITE fall within the definition of an online pharmacy. The CSA further defines the term "deliver, distribute, or dispense by means of the Internet" to mean, "respectively, any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet." 21 U.S.C. 802(51). As of April 13, 2009, it is unlawful for any person, entity, or Internet site to knowingly or intentionally deliver, distribute, or dispense a controlled substance by means of the Internet without having obtained a modified DEA registration authorizing such activity. 21 U.S.C. §§ 841(h)(1), (h)(2)(A); 802 (51) & (52)(A). Neither defendants CAROLINA and WHITE, nor any of the people, entities, or Internet sites with which they are associated, have been granted such registrations by the Attorney General or the DEA.

4. Another requirement of the CSA as of April 13, 2009 is that every online pharmacy must display certain information on its website. As set forth in 21 U.S.C. § 831(c), each online pharmacy shall post in a visible and clear manner on the homepage of each Internet site it operates, or on a page directly linked thereto in which the hyperlink is also visible and clear on the homepage, the following information for each pharmacy that delivers, distributes, or dispenses controlled substances pursuant to orders made on, through, or on behalf of, that website:

- (a) The name and address of the pharmacy as it appears on the pharmacy's DEA certificate of registration.
- (b) The pharmacy's telephone number and email address.
- (c) The name, professional degree, and States of licensure of the pharmacist-in-charge, and a telephone number at which the pharmacist-in-charge can be contacted.
- (d) A list of the States in which the pharmacy is licensed to dispense controlled substances.
- (e) A certification that the pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.
- (f) The name, address, telephone number, professional degree, and States of licensure of any practitioner who has a contractual relationship to provide medical evaluations or issue prescriptions for controlled substances, through referrals from the website or at the request of the owner or operator of the website, or any employee or agent thereof.
- (g) The following statement, unless revised by the Attorney General by regulation: "This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner. This includes at least one prior in-person medical evaluation or medical evaluation via telemedicine in accordance with applicable requirements of section 309."

5. From at least on or about April 13, 2009, through on or about December 7, 2009, in the Eastern District of Pennsylvania and elsewhere, defendants

**CARLETA CAROLINA and
WAYNE WHITE**

conspired and agreed, together and with others known and unknown to the grand jury:

- (a) to knowingly and intentionally deliver and distribute, and aid and abet the delivery and distribution of, controlled substances in Schedules III and IV by means of the Internet without valid prescriptions, that is, prescriptions that were issued outside of the usual

course of professional practice, and were not for a legitimate medical purpose, in violation of Title 21, United States Code, Sections 841(h)(1), (h)(4), (b)(1)(D), and (b)(2);

(b) to knowingly and intentionally deliver and distribute, and aid and abet the delivery and distribution of, controlled substances by an online pharmacy that is not validly registered with DEA with a modified registration authorizing such activity, in violation of Title 21, United States Code, Sections 841(h)(1); and

(c) to knowingly and intentionally deliver and distribute, and aid and abet the delivery and distribution of controlled substances by an online pharmacy that does not display on its website the information required by 21 U.S.C. § 831, in violation of Title 21, United States Code, Section 841(h)(1).

MANNER AND MEANS

It was a part of the conspiracy that:

6. Defendant CARLETA CAROLINA:

(a) had employees and associates recruit and hire physicians in the Eastern District of Pennsylvania and elsewhere in the United States to issue prescriptions based on their review of reports of physical examinations conducted by other physicians, despite the fact that the examining physicians were not unavailable at the time the prescription was issued and never requested the doctor who issued the prescriptions to do so;

(b) had employees and associates instruct the customers not to inform the examining physician that the purpose of the visit was for an online prescription, because, as one employee stated, “Many physicians are not in favor of online prescribing;”

(c) had employees and associates recruit and hire pharmacies in the Eastern District of Pennsylvania and elsewhere in the United States, including Superior Drugs, which was operated by defendant WAYNE WHITE, to fill these invalid prescriptions for

controlled substances and to ship them to customers in the Eastern District of Pennsylvania and elsewhere in the United States; and

(d) owned and operated the website www.discreetonlinemeds.com, which sold controlled substances in Schedules III and IV, primarily weight-loss drugs, by means of the Internet, knowing that neither she nor the website were registered with the DEA and that the website did not display any of the statements required by 21 U.S.C. § 831.

7. Defendant WAYNE WHITE:

(a) was a pharmacist licensed in the State of Florida and the operator of Creative Pharmacy Services, doing business as Superior Drugs, located at 9920 NW 27th Avenue in Miami, Florida, knowing that neither he nor Superior Drugs had obtained a modified DEA registration;

(b) filled invalid prescriptions for controlled substances for websites that were owned, operated, or affiliated with defendant CARLETA CAROLINA;

(c) received money orders that were sent to Superior Drugs by customers of CAROLINA's websites in payment for online orders of controlled substances; and

(d) shipped the controlled substances to customers in the Eastern District of Pennsylvania and elsewhere in the United States.

All in violation of Title 21, United States Code, Section 846.

COUNTS SEVENTEEN THROUGH TWENTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4, 6, and 7 of Count Sixteen of this superseding indictment are incorporated here.

2. On or about the dates shown below, in the Eastern District of Pennsylvania and elsewhere, defendants

**CARLETA CAROLINA and
WAYNE WHITE**

knowingly and intentionally delivered and distributed, and aided and abetted the delivery and distribution of controlled substances in Schedules III and IV by means of the Internet: (a) without valid prescriptions, that is, prescriptions that were issued outside of the usual course of professional practice, and were not for a legitimate medical purpose; (b) by an online pharmacy that was not validly registered with DEA with a modified registration authorizing such activity; and (c) by an online pharmacy that did not display on its website the information required by 21 U.S.C. § 831, the controlled substances listed below, each delivery and distribution constituting a separate count:

<i>Count</i>	<i>Date</i>	<i>Drug</i>	<i>Quantity</i>	<i>Schedule</i>	<i>Shipped to</i>
17	7/10/09	Phentermine	30 (37.5mg)	Schedule IV	Philadelphia, PA
18	7/15/09	Butalbital	50 (325mg)	Schedule III	Philadelphia, PA
19	8/7/09	Phentermine	30 (37.5mg)	Schedule IV	Philadelphia, PA
20	9/9/09	Phentermine	30 (37.5mg)	Schedule IV	Philadelphia, PA
21	10/28/09	Phentermine	30 (37.5mg)	Schedule IV	Philadelphia, PA
22	10/28/09	Butalbital	50 (325mg)	Schedule III	Philadelphia, PA

All in violation of Title 21, United States Code, Sections 841(h)(1), (h)(4),
(b)(1)(D), and (b)(2).

COUNT TWENTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this superseding indictment:

1. The United States Food and Drug Administration (FDA) was the agency of the United States responsible for, among other things, enforcing the provisions of the Federal Food, Drug, and Cosmetic Act, Title 21, United States Code, Sections 301-397.

2. Under the Federal Food, Drug, and Cosmetic Act (“FD&C Act”), 21 U.S.C. §§ 301-397, the term “drug” included articles which were (1) recognized in the official United States Pharmacopeia or official National Formulary or any supplement to any of them; (2) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or (3) intended to affect the structure or any function of the body of man. 21 U.S.C. § 321(g)(1)(A) (B) and (C).

3. Some of the drugs regulated under the FD&C Act were “prescription drugs.” “Prescription drugs” were those drugs, which, because of their toxicity or other potential harmful effects, or the method of their use, or the collateral measures necessary to their use, were not safe for use except under the supervision of a practitioner licensed by law to administer such drugs, or which were required to be administered under the professional supervision of a practitioner licensed by law to administer such drugs as a condition of FDA approving any such drug to be placed on the market. 21 U.S.C. § 353(b)(1)(A) and (B). All controlled substances are prescription drugs. 21 U.S.C. § 829(c). A number of non-controlled substances, including but not limited to the drugs identified below, are prescription drugs.

4. Sildenafil citrate (Viagra), tadalafil (Cialis), which are used to treat erectile dysfunction, carisoprodol (Soma), which is used to treat muscle spasms, and tramadol (Ultram), a pain reliever, were all non-controlled prescription drugs within the meaning of 21

U.S.C. § 353(b)(1)(A) and (B).

5. A drug was deemed to be misbranded unless its labeling contained adequate directions for use, which was defined by regulation as directions under which a layman can use a drug safely and for the purposes for which it was intended. Title 21, United States Code, Section 352(f); 21 C.F.R. § 201.5.

6. There can be no adequate directions for lay use of a prescription drug; therefore, a prescription drug could only move in interstate commerce if it qualified for an exemption to this labeling requirement. Title 21, United States Code, Section 352(f) (authorizing the Secretary to promulgate regulations exempting drugs from the requirement that labeling contain adequate directions for use); 21 C.F.R. § 201.100.

7. Prescription drugs were exempt from the adequate directions for use requirement provided that they met all the conditions of the 21 C.F.R. § 201.100, including that they were properly dispensed under the supervision of a properly licensed medical practitioner pursuant to Title 21, United States Code, Section 353(b)(2). 21 C.F.R. § 201.100(a)(2)

8. Prescription drugs dispensed not under the supervision of a properly licensed medical practitioner were misbranded within the meaning of Title 21, United States Code, Section 352(f).

9. The act of dispensing prescription drugs without the prescription of a practitioner licensed by law to administer such drug was an act which caused the drug to become misbranded while held for sale. Title 21, United States Code, Section 353(b)(1).

10. Many states, including Florida, and Georgia, have regulations that either prohibit, or define as unprofessional conduct, issuing prescriptions or providing treatment without a prior physical examination of the patient. Any prescriptions issued by doctors licensed in these states, if the doctor did not physically examine the patient, would be invalid under Title

21, United States Code, Section 353(b)(1), and the drugs would be misbranded.

11. From at least in or about April 2005, through in or about November 2009, in the Eastern District of Pennsylvania and elsewhere, defendants

**CARLETA CAROLINA and
WAYNE WHITE**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to introduce and cause the introduction and delivery of non-controlled prescription drugs for introduction into interstate commerce from various locations in the United States, including the Eastern District of Pennsylvania and the Southern District of Florida, to various locations throughout the United States, including the Eastern District of Pennsylvania, with intent to defraud and mislead, including the prescription drugs identified in Paragraph Four, which were misbranded because they were dispensed without a valid prescription of a practitioner licensed by law to administer such drug, in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

MANNER AND MEANS

It was a part of the conspiracy that:

12. Defendant CARLETA CAROLINA:

(a) owned, operated, and was affiliated with, websites, including www.discreetonline meds.com, that sold non-controlled prescription drugs, by means of the Internet, to customers who were only required to complete an online medical questionnaire and were not examined by a physician in connection with their orders.

(b) had employees and associates recruit and hire physicians in the Eastern District of Pennsylvania and elsewhere in the United States to review the customers' online questionnaires and to issue prescriptions for non-controlled prescription drugs based

solely upon the customers' responses; and

(c) had employees and associates recruit and hire pharmacies in the Eastern District of Pennsylvania and elsewhere in the United States, including Superior Drugs, operated by defendant WAYNE WHITE, to fill these invalid prescriptions for non-controlled prescription drugs and to ship them to customers in the Eastern District of Pennsylvania and elsewhere in the United States.

13. Defendant WAYNE WHITE:

(a) was a pharmacist licensed in the State of Florida and the operator of Creative Pharmacy Services, doing business as Superior Drugs, located at 9920 NW 27th Avenue in Miami, Florida;

(b) filled invalid prescriptions for non-controlled prescription drugs, which were based solely upon a physician's review of online questionnaires completed by the customers, for websites that were owned, operated, or affiliated with defendant CARLETA CAROLINA;

(c) received money orders that were sent to Superior Drugs by customers of CAROLINA's websites in payment for online orders of non-controlled prescription drugs and forwarded them to her; and

(d) shipped the non-controlled prescription drugs to customers in the Eastern District of Pennsylvania and elsewhere in the United States.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants CARLETA CAROLINA and WAYNE WHITE committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere.

1. On or about October 18, 2006, a doctor known to the grand jury, who had been hired by defendant CARLETA CAROLINA for this purpose, approved a prescription for tramadol (Ultram), a non-controlled prescription drug, which was based solely on the customer's answers to an online questionnaire on a website that was owned, operated, or affiliated with CARLETA CAROLINA.

2. On or about October 18, 2006, defendant WAYNE WHITE filled the prescription and caused it to be and shipped by Federal Express to the customer at an address in Norristown, Pennsylvania.

3. On or about December 4, 2006, a doctor known to the grand jury, who had been hired by defendant CARLETA CAROLINA for this purpose, approved a prescription for sildenafil citrate (Viagra), a non-controlled prescription drug, which was based solely on the customer's answers to an online questionnaire on a website that was owned, operated, or affiliated with CARLETA CAROLINA.

4. On or about December 4, 2006, defendant WAYNE WHITE filled the prescription and caused it to be and shipped by Federal Express to the customer at an address in Horsham, Pennsylvania.

5. On or about April 26, 2007, a doctor known to the grand jury, who had been hired by defendant CARLETA CAROLINA for this purpose, approved a prescription for carisoprodol (Soma), a non-controlled prescription drug, which was based solely on the customer's answers to an online questionnaire on a website that was owned, operated, or

affiliated with CARLETA CAROLINA.

6. On or about April 26, 2007, defendant WAYNE WHITE filled the prescription and caused it to be and shipped by Federal Express to the customer at an address in Fairless Hills, Pennsylvania.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWENTY-FOUR THROUGH THIRTY-FOUR

THE GRAND JURY CHARGES THAT:

1. Paragraphs 1 through 6, 8, and 9 of Count One and Paragraphs 1 through 4, 6, and 7 of Count Sixteen of this superseding indictment are incorporated here.
2. From at least in or about October 2005, through in or about November 2009, defendants

CARLETA CAROLINA and WAYNE WHITE

devised and intended to devise a scheme to defraud online drug customers and federal and state agencies and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

3. Defendant CARLETA CAROLINA:
 - (a) through www.discreetonline.com and her affiliate websites, falsely and fraudulently represented to customers who sought to obtain prescription drugs but who lacked prescriptions from their personal physicians that the websites were a legitimate, lawful, safe, and responsible source for these drugs;
 - (b) through www.discreetonline.com and her affiliate websites, sold controlled and non-controlled prescription drugs by means of the Internet, to customers who were only required to complete an online medical questionnaire and were not examined by a physician in connection with their orders;
 - (c) had employees and associates recruit and hire physicians in the Eastern District of Pennsylvania and elsewhere in the United States to issue prescriptions based

solely upon a review of the customers' responses to online questionnaires, without ever seeing the customer;

(d) through www.physicianonlinenetwork.com, promoted a program called the "Physician Network Health Program," that was described on the website as "a corporation dedicated to providing alternative ways to decrease healthcare cost while increasing the possibility of receiving optimum medical service," which was an attempt to create the appearance that the customers who were getting physicals after April 13, 2009 were doing it to join a "health plan," when, in reality, they were getting the physicals so that they could purchase phentermine by means of the Internet;

(e) had employees and associates recruit and hire physicians in the Eastern District of Pennsylvania and elsewhere in the United States to issue prescriptions based on their review of reports of physical examinations conducted by other physicians, despite the fact that the examining physicians were not unavailable at the time the prescription was issued and never requested the doctor who issued the prescriptions to do so;

(f) had employees and associates instruct the customers not to inform the examining physician that the purpose of the visit was for an online prescription, because, as one employee stated, "Many physicians are not in favor of online prescribing;"

(g) had employees and associates recruit and hire pharmacies in the Eastern District of Pennsylvania and elsewhere in the United States, including Superior Drugs, which was operated by defendant WAYNE WHITE, to fill these invalid prescriptions for controlled substances and to ship them to customers in the Eastern District of Pennsylvania and elsewhere in the United States; and

(h) never applied for the DEA modified registration that was required after April 13, 2009, to legally deliver and distribute controlled substances by means of the

Internet, on behalf of herself or any of the individuals or entities that she employed.

4. Defendant WAYNE WHITE:

(a) was a pharmacist licensed in the State of Florida and the operator of Creative Pharmacy Services, doing business as Superior Drugs, located at 9920 NW 27th Avenue in Miami, Florida;

(b) falsely represented to the public and federal and state agencies that Superior Drugs was a full-service, walk-in pharmacy, when, in reality, Superior Drugs was dedicated almost exclusively to filling orders for controlled and non-controlled prescription drugs for Internet websites;

(c) filled invalid prescriptions for controlled and non-controlled prescription drugs for websites that were owned, operated, or affiliated with defendant CARLETA CAROLINA;

(d) shipped the drugs to customers in the Eastern District of Pennsylvania and elsewhere in the United States; and

(e) never applied for the DEA modified registration that was required after April 13, 2009, to legally deliver and distribute controlled substances by means of the Internet.

5. On or about the following dates, in the Eastern District of Pennsylvania and elsewhere, defendants

**CARLETA CAROLINA and
WAYNE WHITE,**

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered to Philadelphia, Pennsylvania, from Miami, Florida by commercial interstate carrier, according to the directions thereon, the following items, each delivery

constituting a separate count:

<i>Count</i>	<i>Date</i>	<i>Item</i>
24	5/29/07	Phendimetrazine
25	6/28/07	Phendimetrazine
26	11/18/08	Phentermine
27	1/16/09	Phentermine
28	1/16/09	Phentermine
29	7/10/09	Phentermine
30	7/15/09	Butalbital
31	8/7/09	Phentermine
32	9/9/09	Phentermine
33	10/28/09	Phentermine
34	10/28/09	Butalbital

All in violation of Title 18, United States Code, Section 1341.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841, set forth in this superseding indictment, defendants

CARLETA CAROLINA and WAYNE WHITE

shall forfeit to the United States of America:

a. any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of the violations of Title 21, United States Code, Sections 846 and 841, as charged in this superseding indictment; and

b. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, Section 846 and 841, as charged in this superseding indictment.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1956 set forth in this superseding indictment, defendants

CARLETA CAROLINA and WAYNE WHITE

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to the sum of \$6,800,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1341, set forth in this superseding indictment, defendants

CARLETA CAROLINA and WAYNE WHITE

shall forfeit to the United States of America:

a. any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of the violations of Title 18, United States Code, Section 1341, as charged in this superseding indictment; and

b. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 18, United States Code, Section 1341, as charged in this superseding indictment.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of

the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

_____ **A TRUE BILL:**

_____ **FOREPERSON** _____

MICHAEL L. LEVY
United States Attorney